

FILED

MAR 10 2005

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

EDGAR DIAZ a/k/a Hook,
DON JOHNSON a/k/a Skanoodles
a/k/a Noodle, and
RICKEY ROLLINS a/k/a Lil Rick

(Name and Address of Defendant)

CRIMINAL COMPLAINTCASE NUMBER: **3 05 70173****JCS**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 15, 2004 in San Francisco county, in the Northern District of California defendant(s) did, (Track Statutory Language of Offense)

murder an individual, namely Beverly D. Robinson, as consideration for the receipt of, and as consideration for a promise and agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, and for the purpose of gaining entrance to and maintaining and increasing position in that enterprise,

in violation of Title 18 United States Code, Section(s) 1959

I further state that I am a(n) FBI Special Agent and that this complaint is based on the following

Official Title

facts:

See attached Affidavit incorporated herein by reference.

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Approved
As To
Form:

AUSA: Philip Kearney; Hartley West

Name/Signature of Complainant:

SFPD Insp. Daniel Everson

Sworn to before me and subscribed in my presence,

Date

3/10/05

at

San Francisco, CA

City and State

JOSEPH C. SPERO
U.S. Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT AND
STATEMENT OF PROBABLE CAUSE

My name is Daniel P. Everson and I have been employed by the San Francisco Police Department (SFPD) as a Police Officer for twenty-three years; the last fourteen years as an Inspector assigned to the Bureau of Inspectors.

I have investigated over nineteen hundred cases as a Police Inspector assigned to the Auto Detail, General Work Detail, Robbery Detail and the Sex Crimes Detail. I am currently assigned to the Homicide Detail. I have successfully completed a thirty-six-hour Robbery Investigation course, a forty-hour Sexual Assault Investigation course, a forty-hour Domestic Violence Investigation course, a forty-hour Interview and Interrogation course, a thirty-six hour Homicide/Violent Crimes Investigation course and a thirty-six-hour Officer Involved Shooting course.

I am familiar with the facts set forth below from my personal observations, observations and investigations by other law enforcement officers as related to me in conversation and through written reports, and from records and/or documents and other evidence obtained as a result of this and related investigations. The below information is set forth solely for the purpose of establishing probable cause for a Complaint and arrest warrants, and does not represent all the information I possess about these facts.

On Thursday, April 15, 2004, Beverly Dyrle Robinson (a male adult) was shot in the Sunnydale Housing Development in San Francisco. On Friday, April 16, 2004, the victim died from his wounds. SFPD Inspector Dennis Maffei and I, were assigned to the investigation of the murder.

Inspector Maffei advised me that, on Tuesday, April 20, 2004, he spoke with Dr. Smith of the Medical Examiners Office, who stated that Robinson had been shot three times – in his face, his left forearm, and his left hip. Dr. Smith stated that the hip wound was the fatal wound.

On, Monday February 28, 2005, I interviewed a witness (Witness 1) who identified himself/herself as a former member of the Down Below Gangsters (DBG). Witness 1 told me that he/she observed a group of DBG members look for and eventually find Robinson on the night of the April 15, 2004 shooting. Witness 1 stated that members of DBG were looking for a handgun that had previously been hidden in a car owned by Beverly Robinson. Witness 1 stated that DBG member Robert Calloway (a/k/a "Papa") hid the gun because it had been used in a recent homicide and was therefore 'hot.' Witness 1 indicated that in an earlier meeting, DBG gang leaders Emil Fort and Raymon Milburn had ordered that the weapon be found and disposed of, to prevent law enforcement from obtaining the handgun and using it to link members of the gang to the earlier homicide.

Witness 1 told me that before the murder, Robert Calloway, Ricky Rollins (a/k/a "Lil Rick"), and several other DBG members went to Robinson's house in the Sunnydale Housing Development to look for him. Several minutes later, Witness 1 stated, he/she saw Calloway, Don Johnson (a/k/a "Skanoodles" or "Noodles"), and other men that he/she knew, with Robinson. Witness 1 stated that he heard Calloway accuse Robinson of stealing the gun. Witness 1 further stated that he/she saw Calloway, Johnson, Rollins, a DBG member named Dornell Ellis, and a DBG member named Edgar Diaz (a/k/a "Hook"), among others, accompany Robinson to a unit in the Sunnydale housing complex. Witness 1 advised me that he/she saw some men in the group talk to an individual in the unit and then walk with Robinson around the side of the housing unit.

Witness 1 stated that immediately after the group walked away from the unit, he/she saw Diaz shoot Robinson. Witness 1 said that he/she then saw Robinson begin to run away, and that he/she saw several DBG members chase Robinson while continuing to shoot. Witness 1 stated that he/she saw Calloway shoot at Robinson with an AP-9 semi-automatic machine pistol. Witness 1 also stated that he/she saw Dornell Ellis shoot and saw both Don Johnson and Ricky Rollins with handguns and chasing Robinson.

Witness 1 stated that the following day he was standing with a group of DBG members including Don Johnson when someone in the group stated that Robinson had been killed. Witness 1 advised that one of the DBG members in the group stated that Johnson had "filled [Robinson] up," which he/she stated is gang slang for administering a fatal gunshot. Witness 1 stated that Johnson responded in a manner that indicated he had in fact shot the victim.

I have interviewed a resident of the Sunnydale Housing Complex (Witness 2), who advised me that he/she saw Ellis shoot Robinson, saw Diaz hold Robinson, and saw Rollins and Johnson chase Robinson. I attempted to interview another witness (Witness 3) but he/she refused to talk to me for fear of retribution from the gang. A relative of Witness 3, however, advised me that Witness 3 stated that he/she had seen "Hook" shoot Robinson. Based on conversations with officers familiar with the Sunnydale Housing Development, I believe that "Hook" is Edgar Diaz.

I have discussed the activities of DBG members with SFPD Inspector Robert McMillan, who is cross-designated as a federal law enforcement officer with the Project Safe Neighborhoods Safe Streets Task Force. I am aware that Inspector McMillan has been an officer with the San Francisco Police Department for 27 years and that he is regarded as one of SFPD's foremost authorities on African American gangs. I have worked with Inspector McMillan on dozens of homicide investigations and have found him to be a knowledgeable and credible source of information regarding African American gangs in San Francisco, especially in the Bayview-Hunter's Point neighborhood, which includes the Sunnydale housing complex – DBG's turf. Inspector McMillan informed me that he has worked in the Sunnydale neighborhood continuously since 1977.


Inspector McMillan advised me that he is intimately familiar with DBG and has personally arrested and interviewed members of the group in the past. Inspector McMillan stated that he knows DBG has existed around the Sunnydale Housing Project since at least 1996, that the gang now has more than 20 members, and that he has seen DBG members with "3-2-4" tattoos, representing the telephone key pad keys associated with the letters D-B-G. Inspector Mcmillan further stated that he has talked with numerous confidential informants who lived in the Sunnydale Housing Project about the membership and criminal activities of DBG, and that he has fully debriefed Witness 1 regarding DBG's membership and criminal activities. Inspector McMillan advised me that, based on his training and experience, he believes that DBG is a criminal racketeering enterprise whose members and associates have engaged in pattern of racketeering activity including murder, attempted murder, narcotics distribution (including crack cocaine, ecstasy, methamphetamine and marijuana), and robbery, among other illegal activities, dating back at least until 1996 and continuing through to the present.

Inspector McMillan informed me that a principal goal of the enterprise was to commit murders, assaults, and other acts of violence for the following purposes, among others: to enrich the enterprise and its members; to create, maintain and control a market place for the distribution of its controlled substances; to enforce discipline among members of the enterprise; to protect the enterprise and its members from detection, apprehension and prosecution by law enforcement; to intimidate and prevent


persons from testifying as witnesses in criminal prosecutions against members of the conspiracy; to prevent, thwart, and retaliate against acts of violence perpetrated by rivals against the enterprise and its members; and to promote and enhance the reputation and standing of the enterprise and its members. It was a further goal of the enterprise to obtain money and other things of value through narcotics trafficking.

Based on my investigation into the murder of Beverly Robinson, I believe that DBG gang members murdered him to maintain and increase their position in the racketeering enterprise by silencing a potential witness against them.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief.


Inspector Daniel P. Everson
San Francisco Police Department, Homicide

Subscribed and sworn to before me
on: 3/10/05


U.S. Magistrate Judge

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

18 USC s 1959

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:

Death or life imprisonment; \$250,000 fine; 5 years supervised release; \$100 special assessment

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

SFPD/Deputized Marshal

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a re-prosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Hartley West; Philip Kearney

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT - U.S.

EDGAR DIAZ aka "HOOK"

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☒ Awaiting trial on other charges } ☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Hall of Justice, 850 Bryant St., San Francisco

 Has detainer been filed? ☐ Yes ☒ No } If "Yes" give date filed
DATE OF ARREST

Month/Day/Year

March 8, 2005

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
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SHOW
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KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Hartley West; Philip Kearney

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT - U.S.

DON JOHNSON aka "SKANOODLES" aka "NOODLES"

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☒ Awaiting trial on other charges } ☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Hall of Justice, 850 Bryant St., San Francisco

 Has detainer been filed? ☐ Yes ☒ No } If "Yes" give date filed
**DATE OF
ARREST**

Month/Day/Year

March 9, 2005

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted
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 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Hartley West; Philip Kearney

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT - U.S.

RICKEY ROLLINS aka "LIL RICK"

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☒ Awaiting trial on other charges } ☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Hall of Justice, 850 Bryant St., San Francisco

 Has detainer been filed? ☐ Yes ☒ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

March 8, 2005

Or... if Arresting Agency & Warrant were not

Month/Day/Year

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☐ This report amends AO 257 previously submitted
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Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: